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25 Attorneys for Defendants
26 WELLS FARGO BANK, N.A.; WELLS FARGO &
27 COMPANY

28
29 UNITED STATES DISTRICT COURT

30 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

31
32 MONTE RUSSELL, on behalf of
33 himself and others similarly situated,

34
35 Plaintiff,
36
37 vs.
38 WELLS FARGO & COMPANY,
39
40 Defendants.

41
42 CASE NO. C 07-03993 CW

43
44 JUDGE CLAUDIA WILKEN
45 COURTROOM 2

46
47
48 STIPULATION RE EXTENSION
49 OF BRIEFING SCHEDULE ON
50 PLAINTIFF'S MOTION TO
51 STRIKE OR INVALIDATE RULE
52 68 OFFERS; ~~PROPOSED~~ ORDER
53 APPROVING EXTENSION

54
55 Plaintiff Monte Russell (“Plaintiff”) and Defendants Wells Fargo Bank, N.A.
56 and Wells Fargo & Company (“Defendants”), through their respective counsel,
57 pursuant to Local Rule 6-2, hereby stipulate as follows:

1 WHEREAS, on September 11, 2008, Plaintiff filed a Notice of Motion and
2 Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of Judgment
3 ("Motion");

4

5 WHEREAS, on September 30, 2008, Plaintiff filed an Amended Notice of
6 Motion and Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of
7 Judgment, setting the hearing date on the Motion for December 11, 2008;

8

9 WHEREAS, on November 20, 2008 this Court approved the parties'
10 stipulation seeking a continuation of the hearing date to January 8, 2009;

11

12 WHEREAS, on December 23, 2008, this Court approved the parties'
13 stipulation seeking a continuation of the hearing date to February 19, 2009;

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15 WHEREAS, Defendants' response to the Motion is due on Thursday,
16 January 29, 2009;

17

18 WHEREAS, the parties are continuing to engage in extensive and thorough
19 settlement negotiations and have halted discovery and other litigation pending
20 settlement negotiations; and

21

22 WHEREAS, the parties wish to conserve their and the Court's resources in
23 the event that a settlement is reached.

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25 NOW, THEREFORE, through their respective counsel, THE PARTIES
26 HEREBY STIPULATE AS FOLLOWS:

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1. The hearing on Plaintiff's Motion is continued from February 19, 2009, to March 5, 2009, at 2 p.m.

2. The deadline for Defendants to file a response to Plaintiff's Motion shall be measured from the continued hearing date.

DATED: January 28, 2009

LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

By: /s/ T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

Attorneys for Plaintiff
MONTE RUSSELL

DATED: January 28, 2009

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING

By: /s/ THERESA A. KADING
THERESA A. KADING

Attorneys for Defendants
**WELLS FARGO BANK, N.A.; WELLS FARGO
& COMPANY**

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2009

Charlotte

**CLAUDIA WILKEN
DISTRICT COURT JUDGE**